

**CITY OF BELLAIRE
CITY COUNCIL**

**Minutes of Meeting
Monday, April 5, 2010**

REGULAR SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – *Mayor Cindy Siegel.*

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, April 5, 2010. The **Bellaire City Council met** at that time and on that date **in Regular Session in the Council Chamber**, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. **Mayor Siegel announced that a quorum was present** consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman James P. Avioli, Sr., Position No. 2;
Councilman Corbett Daniel Parker, Position No. 3;
Mayor Pro Tem Phil Nauert, Position No. 4;
Councilman Andrew Friedberg, Position No. 5; and
Councilwoman Mandy Nathan, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – *Councilman Corbett Daniel Parker.*

Councilman Corbett Daniel Parker provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – *Councilman Corbett Daniel Parker.*

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Corbett Daniel Parker led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that the most meaningful part of living in Bellaire was the fact that it was small enough for citizens to have a say in things.

Ms. McBee asked City Council to take very seriously her challenge, which was to maintain the public dialog in as many matters as possible. In particular, Ms. McBee referred to the fact that Bellaire had been gifted and blessed with the heritage of the Teas property by the Rubenstein Foundation. That property was very meaningful to many of the citizens. Ms. McBee did not want to see City Council, City Staff, or any Director of a Department to be the person to decide what should be done under the conditions that the City received the property.

Ms. McBee indicated further that she wanted the use of the property to be of public benefit and the subject of a public hearing or hearings in Town Meeting form for the brainstorming that should come from the community and not from the City Council. She did not believe City Council would be able to represent what they heard from people, noting that ideas and thoughts would range from "not in my backyard" to "let's be known throughout the world for what we do here." Somewhere in the middle of those two points of view would be the decision. The decision needed to be a participatory one in the true sense. She urged City Council not to look for money or ask for conditions until they had talked to the Bellaire community.

Mayor Cindy Siegel advised that one written comment had been submitted from resident Robert Riquelmy, which she read into the record as follows:

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Subject: Sidewalks

The City has obtained outstanding sidewalk construction in connection with traffic signal improvements. I would like Council to remove the sidewalks from the contract on tonight's agenda and engage the firm connected with the traffic signal improvements.

E. REPORT:

CITY MANAGER'S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update, facilities update, and Feld Park drainage), cultural and

recreational (Trolley Run and Bellaire Arts Festival), communications/technology (Google broadband RFI), employees (retirement of Ida Lewis, Payroll Technician), internal operations/productivity (Texas Comptroller Silver Leadership Award for achievement in financial transparency), quarterly indicators (crime and building permits), and upcoming City Council meetings/events – *Presented by City Manager Bernard M. Satterwhite, Jr.*

City Manager Bernard M. Satterwhite, Jr., presented the City Manager's Report to City Council.

Public Infrastructure/Utilities

City Manager Satterwhite advised that there were no street and drainage projects ongoing in Bellaire at the present time. The reconstruction of Whipple Drive was almost completed with the exception of a few punch list items.

The installation of the new Rice Lift Station on South Rice Avenue would begin the following week, and portions of South Rice Avenue would be torn up as a result of that project.

The Fire Station was coming along, with the second floor of concrete having been poured earlier in the day. No particular problems were noted with the project.

Staff meetings had been held regarding upgrades to the Bellaire City Library.

With respect to the Feld Park drainage issue mentioned during the previous City Council Regular Session, City Manager Satterwhite advised that funds had been budgeted to correct the drainage issue in Feld Park. He indicated that he would provide greater detail for City Council regarding the project in the near future.

Cultural and Recreational

City Manager Satterwhite advised everyone that the Bellaire Trolley Run was scheduled on Saturday morning, April 10, 2010.

April 16-18, 2010, was the Bellaire Arts Festival. In the past, this festival had been a Greater Southwest Houston Chamber of Commerce event. This year, the City was helping with the festival through the Bellaire Cultural Arts Commission. A reception would be held in the CenterPoint Energy Community Center on Friday evening, April 16, 2010, and would feature Bellaire artists. On April 17-18, 2010, the actual arts festival would be held in Loftin Park, with some activities over in Bellaire Zindler Park, both parks of which were located in Bellaire Town Square.

Communications/Technology

City Manager Satterwhite indicated that the City's Google broadband RFI (request for information) was submitted on time. Bellaire's location in proximity to the Houston area and Medical Center was touted in the submittal.

Employees

One of the City's employees, Payroll Technician Ida Lewis, retired after 20 years of service last Thursday.

Bellaire applied for recognition from the Texas State Comptroller of Public Accounts for financial transparency. The scoring for the recognition was based on how available an entity's financial statements and budgets were to the public. Subsequently, the Texas State Comptroller, Susan Combs, sent a letter to the City of Bellaire recognizing the City with a Silver Leadership Circle Award. The City scored 9 points out of a possible 15 points. City Manager Satterwhite thanked Chief Financial Officer Donna Todd and her Finance Department staff for all of their hard work on behalf of the City.

Quarterly Indicators

City Manager Satterwhite advised that he would provide quarterly indicators for police activity and building permits at the next meeting in April of 2010.

Upcoming Meetings

Date	Time	Type of Meeting
April 19	6:00 p.m.	Public Hearing on a Specific Use Permit for Paul W. Horn Elementary School
April 19	7:00 p.m.	Regular Session
April 26	6:00 p.m.	Public Hearing on the Chestnut Street Right-of-Way Abandonment/Sale
April 26	6:15 p.m.	Joint Public Hearing on a Specific Use Permit for First Street Hospital
May 3	7:00 p.m.	Regular Session

QUESTIONS FROM CITY COUNCIL:

Councilman Will Hickman noted that the playground equipment was gone from its former location in Bellaire Zindler Park near the Police Department. He inquired as to whether this was part of the plan of flipping the playground area to the north side of Bellaire Town Square.

City Manager Satterwhite advised that Councilman Hickman was correct.

Councilman Hickman inquired as to whether the City had reviewed and/or determined future plans for the area.

City Manager Satterwhite indicated that the skate park was planned for that area. However, for the time being, the City would not do anything in that area presently than sprucing it up with grass.

Mayor Cindy Siegel inquired as to when the mid-year review and budget resolution were scheduled before City Council.

City Manager Satterwhite indicated that the mid-year review was scheduled on April 19th. The budget resolution would be presented to City Council at a meeting sometime in May.

Mayor Siegel inquired as to whether members of City Council would be available for two goal-setting Special Sessions on April 26 and 27, 2010.

City Manager Satterwhite suggested holding a goal-setting Special Session on April 12, 2010.

Mayor Siegel, after noting that City Council was available on April 12, 2010, suggested starting that session at 6:00 p.m.

Councilman James P. Avioli, Sr., referred to the Chestnut Street right-of-way abandonment mentioned by City Manager Satterwhite as the subject of an upcoming public hearing. He inquired as to whether the City would sell the property.

City Manager Satterwhite noted that City Council had a property abandonment and sale ordinance that required an appraisal report on the right-of-way or public way to be abandoned and City Council would determine a sales price based on that appraisal report.

Councilman Avioli asked for confirmation that the process had not started yet.

City Manager Satterwhite advised that the applicant had submitted an application.

Councilman Avioli inquired as to whether the property had already been appraised.

City Clerk Tracy L. Dutton and **Director of Community Development John McDonald** advised that the property had already been appraised.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Will Hickman and seconded by Councilwoman Mandy Nathan to accept the City Manager's Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

- F. **CONSENT AGENDA** – All items under the Consent Agenda are considered routine and are recommended for approval by a single motion of City Council, without discussion. If discussion is desired, any one or more members of City Council and/or the Mayor may request that an item be removed and considered separately.

1. APPROVAL/CORRECTION OF MINUTES:

- a. **APPROVAL** of the minutes of the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Monday, March 22, 2010 (Code Revisions) – *Item submitted by City Clerk Tracy L. Dutton.*
- b. **APPROVAL** of the minutes of the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Monday, March 22, 2010 (Amendment to SUP S-73) – *Item submitted by City Clerk Tracy L. Dutton.*

2. CALL OF JOINT PUBLIC HEARING:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas,

calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, April 26, 2010, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with an application for a specific use amendment and permit submitted by Jacobo Varon, M.D., and Lenox Hill Holdings Ltd. for the construction and operation of a hospital on a 0.64 acre parcel legally described as all of Lot 25 and the residue of Lots 20, 21, 22, 23, 24, and 26 in Block 2, and a 0.359 acre parcel legally described as Lots 7 and 8 in Block 3, both within the Town of Bellaire Addition, and that section of Chestnut Street right-of-way between Bissonnet Street and First Street generally located at the southwest corner of Bissonnet Street and First Street, in Bellaire, Harris County, Texas, and within the R-M.2 Residential-Commercial Mixed-Use Zoning District – *Item submitted by Director of Community Development John McDonald.*

Councilman Will Hickman requested separate consideration of Consent Agenda Item F. 2. The remainder of the Consent Agenda was considered at this point in the meeting (i.e., F. 1. a. and F. 1. b.).

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilman James P. Avioli, Sr., to approve the Consent Agenda dated April 5, 2010, consisting of the following items:

- Minutes of the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Monday, March 22, 2010 (Code Revisions); and
- Minutes of the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Monday, March 22, 2010 (Amendment to SUP S-73).

VOTE ON MOTION TO APPROVE CONSENT AGENDA ITEMS F. 1. a. AND F. 1. b.:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will

FOR (CONT.): **Avioli**, James P., Sr.
 Parker, Corbett Daniel
 Nauert, Phil
 Friedberg, Andrew
 Nathan, Mandy

OPPOSED: None

ABSENT: None

SEPARATE CONSIDERATION OF CONSENT AGENDA ITEM F. 2.:

2. CALL OF JOINT PUBLIC HEARING:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, April 26, 2010, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with an application for a specific use amendment and permit submitted by Jacobo Varon, M.D., and Lenox Hill Holdings Ltd. for the construction and operation of a hospital on a 0.64 acre parcel legally described as all of Lot 25 and the residue of Lots 20, 21, 22, 23, 24, and 26 in Block 2, and a 0.359 acre parcel legally described as Lots 7 and 8 in Block 3, both within the Town of Bellaire Addition, and that section of Chestnut Street right-of-way between Bissonnet Street and First Street generally located at the southwest corner of Bissonnet Street and First Street, more commonly known as 411 North First Street, in Bellaire, Harris County, Texas, and within the R-M.2 Residential-Commercial Mixed-Use Zoning District – *Item submitted by Director of Community Development John McDonald.*

MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING:

A motion was made by Councilman Corbett Daniel Parker and seconded jointly by Councilman Andrew Friedberg and Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, April 26, 2010, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of

hearing any and all persons desiring to be heard on or in connection with an application for a specific use amendment and permit submitted by Jacobo Varon, M.D., and Lenox Hill Holdings Ltd. for the construction and operation of a hospital on a 0.64 acre parcel legally described as all of Lot 25 and the residue of Lots 20, 21, 22, 23, 24, and 26 in Block 2, and a 0.359 acre parcel legally described as Lots 7 and 8 in Block 3, both within the Town of Bellaire Addition, and that section of Chestnut Street right-of-way between Bissonnet Street and First Street generally located at the southwest corner of Bissonnet Street and First Street, **more commonly known as 411 North First Street, in Bellaire, Harris County, Texas, and within the R-M.2 Residential-Commercial Mixed-Use Zoning District.**

DISCUSSION REGARDING MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING:

Councilman Will Hickman asked if there would be a reason to go forward with the public hearing on the specific use permit if City Council did not approve the abandonment of the Chestnut Street right-of-way. In other words, did the applicant need the property to proceed with the construction of the hospital?

Director of Community Development John McDonald indicated that the applicant did need to purchase the right-of-way in order to proceed with the construction (expansion) of the hospital. On April 26, 2010, there would be a public hearing on the abandonment of the right-of-way, followed by a joint public hearing for a specific use permit to construct (expand) the hospital. Final consideration on both matters would occur at City Council's first Regular Session in May.

If City Council decided not to sell the right-of-way, then the specific use permit would not be needed.

Councilman Hickman inquired as to when City Council would take action on the sale of the right-of-way.

Director McDonald advised that he believed it was scheduled for May 3, 2010.

Councilman Hickman inquired as to whether City Council would also take action on the specific use permit that same evening.

Director McDonald advised that Councilman Hickman was correct.

City Manager Satterwhite noted that the Planning and Zoning Commission also had to act on the specific use permit and would do so

on April 27, 2010, which was the evening after the joint public hearing.

VOTE ON MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING:

Motion carried unanimously **on a 7-0 vote** as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

{ Ordinance was subsequently numbered: 10-022 }

G. ADOPTION OF ORDINANCES:

Baldwin Avenue Paving and Drainage Improvements

1. **CONSIDERATION** of and possible action on a recommendation from the Bellaire Public Works Department to award a contract to HDR Engineering, Inc., for engineering services consisting of surveying, geotechnical investigation, final design services, drainage impact analysis, tree condition survey, utility conflict resolution, coordination, storm water pollution prevention plans, traffic control plans, Texas Department of Licensing and Regulation compliance, bidding process, construction administration, construction observation, and construction material testing for the Baldwin Avenue Paving and Drainage Improvements Project, which will consist of the reconstruction of Baldwin Avenue from Lone Street to Beechnut Street with reinforced concrete pavement, storm sewers, detention facility, water line adjustments, sanitary sewer rehabilitation or relocation, and sidewalk construction on one side of the street, in an amount not to exceed \$1,061,324.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a *Contract and Agreement for Engineering Services* with HDR Engineering, Inc., for said engineering services in an amount not to exceed

\$1,061,324.00 – Item submitted by Director of Public Works Joe Keene.

MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE AUTHORIZING EXECUTION OF CONTRACT:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilwoman Mandy Nathan to approve a recommendation from the Bellaire Public Works Department to award a contract to HDR Engineering, Inc., for engineering services consisting of surveying, geotechnical investigation, final design services, drainage impact analysis, tree condition survey, utility conflict resolution, coordination, storm water pollution prevention plans, traffic control plans, Texas Department of Licensing and Regulation compliance, bidding process, construction administration, construction observation, and construction material testing for the **Baldwin Avenue Paving and Drainage Improvements Project, which will consist of the reconstruction of Baldwin Avenue from Lone Street to Beechnut Street with reinforced concrete pavement, storm sewers, detention facility, water line adjustments, sanitary sewer rehabilitation or relocation, and sidewalk construction on one side of the street, in an amount not to exceed \$1,061,324.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a *Contract and Agreement for Engineering Services* with HDR Engineering, Inc., for said engineering services in an amount not to exceed \$1,061,324.00.**

DISCUSSION ON MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE AUTHORIZING EXECUTION OF CONTRACT:

City Manager Bernard M. Satterwhite, Jr., advised that City Council and City Staff had reviewed this project extensively in prior meetings. He felt that the engineering proposal before City Council was a good one.

City Manager Satterwhite pointed out that normally when the City considered an engineering proposal, that proposal included preliminary engineering and final engineering. The preliminary engineering work for this project had already been done (i.e., two to three years ago). The fee in the proposal before City Council this evening was \$1,061,324.00. The preliminary engineering work, which was already paid for, amounted to \$233,764.00. The cost for the total engineering work was noted to be \$1,295,088.00. The final engineering design services were 4-1/2% of the total project cost.

Mayor Siegel inquired as to how much money the City received from the Metropolitan Transit Authority of Harris County, Texas (METRO), for this project.

City Manager Satterwhite indicated that the City had received \$3.2 million from METRO for Baldwin Avenue.

Mayor Siegel asked if the remaining funds for the project would come from the City's last bond program.

City Manager Satterwhite stated that the City had allocated approximately \$8 million for this project in the planning for the Rebuild Bellaire Program.

Mayor Pro Tem Phil Nauert asked if the engineering conclusions drawn from the preliminary engineering work were still valid with current conditions.

James Andrews, P.E., HDR Engineering, Inc., advised that the initial preliminary engineering results were presented to City Council some time ago. City Council made some comments and had some concerns at that time, so HDR Engineering, Inc., performed some more preliminary engineering work. The results of that work were presented to City Council during their previous meeting and were still valid current conditions.

Mayor Pro Tem Nauert referred to one of the bullet points listed in the cover letter to the proposal, which was a neighborhood meeting. Since this project would be large and cumbersome (i.e., many dead-end streets would be impacted), he wondered whether there should be several neighborhood meetings rather than one global meeting.

Mr. Andrews advised that he could schedule as many neighborhood meetings as the City felt were needed. He anticipated that meetings would be held during the design phase and again prior to construction. His firm would gladly meet with groups of citizens, blocks, individuals, or whoever wanted to meet to discuss the project.

Mayor Pro Tem Nauert advised that the meetings might be better served if the meetings were held on a street-by-street basis.

Mr. Andrews agreed, noting that this was a very difficult project. The majority of Baldwin Avenue would be shut down at times. Access would be provided to the 4300 blocks of Southdale at all times for those homeowners that lived there. Traffic flow in the area would be very restrictive during construction, but the result would be a much improved drainage system when completed.

City Manager Satterwhite advised that another difficulty for Baldwin Avenue would be the side lots that fronted Baldwin Avenue. Since the street was already close to the side lots, those homeowners would be inconvenienced by construction noise.

Mayor Siegel asked for confirmation as to which property owners would be notified of the project.

City Manager Satterwhite indicated that everyone in Southdale would be notified of the project.

Councilman James P. Avioli, Sr., referred to page 11 of HDR Engineering, Inc.'s, proposal. He noted that there would be an onsite representative observing and making sure that the contractor followed the contract specifications. Page 11 further addressed the responsibility or the lack of responsibility for the engineer onsite. If there were a problem, HDR Engineering, Inc.'s, engineer did not have any liability. On the other hand, the City wanted the job done right. He inquired as to what would happen in that instance.

Mr. Andrews advised that HDR Engineering, Inc., would act as the City's agent on the project site and would monitor the construction means and methods. They could not, however, control the contractor's activity. If the contractor was not working in accordance with the plans and specifications, then HDR Engineering, Inc., would notify the contractor that the City was not going to pay him for that particular item. They could not, however, physically force the contractor not to do a certain activity.

In other words, HDR Engineering, Inc., was not in absolute control of the contractor's means and methods, but was in control of his pocketbook.

City Manager Satterwhite noted that the City would have a separate contract with the contractor.

Councilman Avioli asked for confirmation that the City's interests were protected.

City Manager Satterwhite advised that Councilman Avioli was correct. The City required the contractor to have sufficient liability insurance and bonding.

Councilman Avioli referred to page 12 of the proposal, which was the fee schedule. He pointed out the construction observation services price of \$249,000. A maximum number of hours were included in the schedule of 40 hours per week for 18 months (almost 3,000 hours for the entire project). He inquired as to how the fee would be handled if

someone made the decision that the observer did not need to be onsite 40 hours per week. In other words, would the City get a reduction in that cost?

Mr. Andrews indicated that HDR Engineering, Inc., was charging the City by the hour. So, the City would not pay for any time that the observer was not onsite. He noted further that weekly meetings were held on each project to determine what the contractor was going to do, what was needed, and what testing would be required. Arrangements would be made at that point as to the length of time the observer would be needed during that week.

Councilman Avioli asked if the City inspector would make that decision.

City Manager Satterwhite advised that the decision would be made by the Director of Public Works (Joe Keene). He indicated that he would like to see the City let HDR Engineering, Inc., know in advance how many hours the observer would be needed. The City would take advantage of those instances when the observer was not needed in order to maximize any savings on that particular fee.

Councilman Avioli asked if it were possible that the cost for construction observation could be less than \$249,000.

City Manager Satterwhite advised that Councilman Avioli was correct. However, he advised City Council that under the Rebuild Bellaire Program, Phase One, the construction observation fee was proposed as a lump sum based on a 15-month construction schedule. The project went over two years due to weather. The City got its money's worth out of that particular contract.

The Baldwin Avenue project would be difficult and was scheduled for completion within 18 months. City Manager Satterwhite was hoping that the City could complete the project within 18 months.

Councilman Avioli asked for confirmation that the City's fee for construction observation services was capped at \$249,000.00.

Mr. Andrews advised that Councilman Avioli was correct.

Councilman Avioli advised that in the past, construction observation services were roughly 32% of the engineering costs. In this case, it was 23%. He stated that he appreciated HDR Engineering, Inc.'s, improvement in that area.

City Manager Satterwhite noted that if the preliminary engineering costs were included, then the construction observation services became 19% of the engineering costs.

Councilwoman Mandy Nathan inquired as to the timetable for the services and Mr. Andrews' estimate as to when the City might start accepting bids for the project.

Mr. Andrews advised that the project should be ready to bid within ten months. The bid process (advertising, opening, evaluating, and recommending a bid to City Council) would add another two months to the timeline. In other words, construction on the project would probably start within one year.

City Manager Satterwhite indicated that the project start date would also depend on the bond cycle (i.e., when the City could get the bonds issued and how that issuance fit into the budget).

Councilman Andrew Friedberg referred to the bidding process and noted that there was a lump sum fee for that service. He asked if the City typically handling the bidding process with a lump sum fee.

City Manager Satterwhite advised that Councilman Friedberg was correct.

Councilman Friedberg noted that he had a similar question to the one asked by Mayor Pro Tem Nauert regarding the validity of the preliminary engineering work. He noted that it had been two-three years since the initial preliminary engineering work. However, since that time, the City had experienced Hurricane Ike. He asked if the work would have been affected by the results of Hurricane Ike.

Mr. Andrews indicated that the concept presented at the previous City Council meeting was prepared from the preliminary engineering report in terms of the drainage pipe and the detention behind the Wastewater Treatment Plant. With respect to the geotechnical investigation performed two-three years ago, he noted that the soils would not vary based on the depths that were drilled.

City Manager Satterwhite advised that the storm sewer system for Baldwin Avenue was called an "extreme event" storm sewer system. It would basically carry water in a 1% occurrence (or a 100-year storm). Tropical Storm Allison was over a 100-year storm in some places. If Brays Bayou were to overflow, it would still be difficult to get water out of Bellaire. He wanted to ensure that everyone understood that this was an extreme event storm sewer system for Bellaire. If something happened upstream in the watershed, Bellaire could still experience difficulties with storm water.

Mayor Siegel asked for confirmation that the neighbors would be presented with that information. She understood what City Manager Satterwhite was stating, but noted that the City was adding a great deal of capacity with this system.

City Manager Satterwhite agreed with Mayor Siegel. He indicated that with the added capacity, the City was buying time.

Councilman Friedberg asked if the point City Manager Satterwhite was making was that if the City wanted to do anything further, it would be necessary to go outside the City's boundaries and pay for additional capacity.

City Manager Satterwhite advised that Bellaire was doing as much as could possibly be done in the City to get the water out of the City.

Councilman Will Hickman asked if \$8 million of the cost for this project would be funded from the Rebuild Bellaire Bond Program.

City Manager Satterwhite advised that Councilman Hickman was correct, noting that approximately \$250,000 had already been spent on the project.

Councilman Hickman inquired as to whether the bonds had already been issued for the project.

City Manager Satterwhite advised that the bonds would have to be issued next year.

Councilman Hickman inquired as to the possible time of the year that the bonds would be issued.

City Manager Satterwhite indicated that the bonds would be issued at about this time next year. The City would also need to look at the interest rates in making a decision regarding issuance.

Councilman Hickman referred to sidewalks and inquired as to whether sidewalks were to be installed on only one side of the street in accordance with the City's sidewalk guidelines.

Mr. Andrews advised that Councilman Hickman was correct.

Councilman Hickman asked how far into the engineering design phase would HDR Engineering, Inc., get before notices were sent out to residents regarding a neighborhood meeting. In other words, had notices or meetings already been held regarding the project?

Mr. Andrews stated that neighborhood meetings would be held as soon as the survey work was completed and the engineers started to develop base maps. It behooved the engineering firm to start early to get citizen input and comments. It was important for the entire community to have a sense of ownership on this project.

Councilman Hickman asked if Mr. Andrews had any feel as to how recent bids had gone. He had heard that the City had been getting good rates from contractors in the recent past. He inquired as to whether that was still possible.

Mr. Andrews advised that it was still possible.

Councilman Hickman inquired as to whether Mr. Andrews had any idea as to when that situation might turn around.

Mr. Andrews stated that he hoped to catch a good market within a year and felt that the market would still be very competitive at that time.

Councilman Hickman referred to the detention facility and piping for the project. He inquired as to whether all of the water flowing down Baldwin Avenue would travel through the pipe, into the detention basin, and then into Cypress Ditch. Or, conversely, was the detention basin for overflow?

Mr. Andrews indicated that during a two-year or less event, the detention pond or basin would be virtually dry. When Cypress Ditch rose, the water would back up into the detention basin, which would provide storage for the water.

Councilman Hickman asked for confirmation that there was one big pipe going down Baldwin straight into Cypress Ditch and . . .

Mr. Andrews indicated that there was a pipe coming off of the 84" pipe directly into the detention basin.

Councilman Hickman inquired as to where the water would go if the detention basin flooded or overflowed.

Mr. Andrews stated that if the detention basin flooded, then water would also be out of Brays Bayou and out of Cypress Ditch.

Mayor Siegel referred to the wall that was behind the Public Works Service Center, noting that it had hindered or impeded the flow of water at one time.

Mr. Andrews stated Mayor Siegel was correct, however, that wall was now constructed of cedar (i.e., it was basically a cedar fence) and had openings underneath it to aid in the flow of water.

Mayor Siegel noted that the street would be lowered, which would help with the detention of storm water as well.

VOTE ON MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE AUTHORIZING EXECUTION OF CONTRACT:

Motion carried unanimously **on a 7-0 vote** as follows:

FOR:
Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

{ Ordinance was subsequently numbered: 10-023 }

Amendment to Specific Use Permit S-73

2. **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas ("City Council"), amending Ordinance No. 09-089, previously approved and adopted by the City Council on December 21, 2009, for the purpose of granting a specific use amendment and permit S-73 to Quincitadel Ltd. to construct and operate an urgent care center within an existing one-story structure on the west 110 feet of Lot 59, Block 16, of the Amended First Subdivision of Westmoreland Farms, more commonly known as 5300 Bellaire Boulevard, in Bellaire, Harris County, Texas, in the CCD-2 City Center Zoning District, said amendment of which would allow an increase in the square footage of the project area of the urgent care center from 2,900 square feet to 4,000 square feet – *Item submitted by City Clerk Tracy L. Dutton on behalf of the Planning and Zoning Commission and at the direction of City Council.*

MOTION TO ADOPT ORDINANCE AMENDING ORDINANCE NO. 09-089:

A motion was made by Councilman Corbett Daniel **Parker** and seconded by Mayor Pro Tem Phil **Nauert** to adopt an ordinance of the City Council of the City of Bellaire, Texas ("City Council"), amending Ordinance No. 09-089, previously approved and adopted by the City Council on December 21, 2009, for the purpose of granting a specific use amendment and permit S-73 to Quincitadel Ltd. to construct and operate an urgent care center within an existing one-story structure on the west 110 feet of Lot 59, Block 16, of the Amended First Subdivision of Westmoreland Farms, more commonly known as 5300 Bellaire Boulevard, in Bellaire, Harris County, Texas, in the CCD-2 City Center Zoning District, said amendment of which would allow an increase in the square footage of the project area of the urgent care center from 2,900 square feet to 4,000 square feet.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING ORDINANCE NO. 09-089:

Councilman Will Hickman inquired as to whether the 4,000 square feet was a "cap." In other words, if the applicant decided that the optimum square footage was 3,600, could he build to 3,600 square feet?

City Attorney Alan P. Petrov advised that the 4,000 square feet requirement was a "cap."

Councilman Hickman asked for confirmation that any square footage of construction up to 4,000 square feet would be allowed.

City Attorney Petrov advised that Councilman Hickman was correct.

Councilman Andrew Friedberg referred to Councilman Hickman's example of the applicant using 3,600 of the allowable 4,000 square footage. Could the remaining 400 square feet be used for what would otherwise be a permitted use of right under the City's Code?

City Attorney Petrov stated that Councilman Friedberg was correct.

Councilman Friedberg asked if there were any procedural reason the City Council could not grant more square footage than was requested.

City Attorney Petrov advised that the notice to the public would have had to reference the option that additional square footage could be considered.

**VOTE ON MOTION TO ADOPT ORDINANCE AMENDING
ORDINANCE NO. 09-089:**

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

{ Ordinance was subsequently numbered: 10-024 }

Code Amendment

3. **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the *Code of Ordinances of the City of Bellaire, Texas ("Code"), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures*, to allow the use of commercial garages and parking lots in planned developments; amending the *Code, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations*, by repealing the existing *Section 24-547, Research, Development and Distribution District (RDD)*, and adopting a new *Section 24-547, entitled Urban Village (TOD) District (UV-T)*, for purposes of renaming the section, deleting references to permitted and specific uses and amending the requirements for planned developments; amending the *Code, Chapter 24, Planning and Zoning, Section 24-403, Official Zoning District Map*, for the purpose of updating the map to change any and all occurrences of the phrase "RDD" to "UV-T"; and amending the *Code, Chapter 24, Planning and Zoning, Article X, Signs*, for the purpose of changing any and all occurrences of the phrase "RDD" to "UV-T"; all proposed revisions of which would serve to update the zoning regulations in accordance with the intent of the *Comprehensive Plan* approved and adopted by the City Council on November 16, 2009 – *Item submitted by City Clerk Tracy L. Dutton on behalf of the Planning and Zoning Commission and at the direction of City Council.*

**MOTION TO ADOPT ORDINANCE AMENDING THE CODE,
CHAPTER 24, VARIOUS SECTIONS:**

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilwoman Mandy Nathan to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the *Code of Ordinances of the City of Bellaire, Texas ("Code")*, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures, to allow the use of commercial garages and parking lots in planned developments; amending the *Code*, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, by repealing the existing Section 24-547, Research, Development and Distribution District (RDD), and adopting a new Section 24-547, entitled Urban Village (TOD) District (UV-T), for purposes of renaming the section, deleting references to permitted and specific uses and amending the requirements for planned developments; amending the *Code*, Chapter 24, Planning and Zoning, Section 24-403, Official Zoning District Map, for the purpose of updating the map to change any and all occurrences of the phrase "RDD" to "UV-T"; and amending the *Code*, Chapter 24, Planning and Zoning, Article X, Signs, for the purpose of changing any and all occurrences of the phrase "RDD" to "UV-T"; all proposed revisions of which would serve to update the zoning regulations in accordance with the intent of the *Comprehensive Plan* approved and adopted by the City Council on November 16, 2009.

**DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING
THE CODE, CHAPTER 24, VARIOUS SECTIONS:**

Mayor Cindy Siegel pointed out to City Council that, in addition to the memorandum of recommendation received from the Planning and Zoning Commission of the City of Bellaire, Texas ("Planning and Zoning Commission"), Director of Community Development John McDonald prepared a memorandum to City Council wherein he referred to a proposal by Commissioner Peter Boecher that was presented to the Planning and Zoning Commission, but was inadvertently omitted from the final motion voted on by the Planning and Zoning Commission. Commissioner Boecher's proposal indicated that his original calculations were off with regard to parking near a residential zoned neighborhood. His original calculation suggested that no parking would be allowed within 60 feet of a residential zoned neighborhood. Based on his revised calculation, he advised that the 60-foot limitation should be reduced to 50 feet. Mayor Siegel

indicated that City Council might want to address Commissioner Boecher's suggestion.

**AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE
AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:**

An **amendment (no. 1)** to the motion to adopt an ordinance amending various sections of the *Code, Chapter 24*, **was made by Councilman Andrew Friedberg to remove Section 10, the City's sunset provision, which read as follows:**

Section 10. THAT this Ordinance shall be effective as of May 1, 2010, and unless the zoning regulations adopted herein are replaced before April 30, 2012, shall expire on April 30, 2012, with the result being that the zoning regulations adopted herein shall automatically be repealed and the zoning regulations replaced by this Ordinance shall be reinstated.

Mayor Pro Tem Phil Nauert seconded Amendment No. 1 to the motion to adopt an ordinance amending various sections of *Chapter 24* of the *Code*.

**DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO ADOPT
ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS
SECTIONS:**

Mayor Pro Tem Phil Nauert noted that he seconded the amendment for discussion purposes and inquired as to the reason that Councilman Friedberg wished to have that particular section removed from the ordinance.

Councilman Friedberg indicated that he did not see the harm in not having a sunset clause in the ordinance. He understood from the Joint Public Hearing that City Council wished to incentivize themselves to act with deliberate speed to get something done. Councilman Friedberg felt that City Council already had that incentive and wanted to move forward. He believed that City Council would ultimately unnecessarily bind themselves, and he predicted that City Council would be back in two years and would spend time trying to renew the ordinance.

In Councilman Friedberg's experience, sunset provisions were typically used when granting an entitlement, establishing a costly program, or, perhaps, even with contract negotiations. He did not see why the City needed one in this instance. The harm of not having one would be that the City would simply have planned developments. His fear would be that if the ordinance needed to be renewed and was not renewed, then the City could receive an application for something that was wildly inconsistent with the City's *Comprehensive Plan*, but yet was in

conformity with the existing RDD Zoning District as it stood today. In other words, a used car lot could be constructed in that district.

In conclusion, Councilman Friedberg stated that he did not understand why the City would want to bind itself for two years, as it did not seem necessary to do so.

Mayor Siegel stated that she believed it was needed. She referred historically back to the Teas property. She noted that the last Comprehensive Plan was adopted approximately ten years ago. Subsequently, there was a turnover in City Council. The new City Council was fairly divisive and nothing was done to change the City's ordinances to comply with the newly adopted Comprehensive Plan. Two more years past and City Council turned over again. In the meantime, the Teas family filed for a replat. The Planning and Zoning Commission turned down the replat due to a disparity between the Comprehensive Plan that was adopted by ordinance and the City's zoning ordinances. The result was a lawsuit.

In 2012, there would be another new City Council. The sunset provision reminded everyone, including City Staff, that something needed to be done. Mayor Siegel believed that something would be done and agreed that the City Council was motivated to ensure that would occur.

Councilman Friedberg advised that he appreciated the history and was familiar with the situation outlined by Mayor Siegel. The difference was that when the Teas situation arose, the City actually had two inconsistent sets of rules—the newly adopted Comprehensive Plan and the ordinance that existed prior to that. Here, the very action under consideration this evening would remove that difference. So, if someone came forward with a plan that was consistent with the Comprehensive Plan, even if the City had not yet adopted new regulations, that person could be granted a planned development.

The existing RDD Zoning District today was what was inconsistent with the Comprehensive Plan. He believed that issue would be addressed this evening regardless of whether the City had a sunset clause or not.

Councilman Will Hickman asked City Attorney Petrov for confirmation that the City held a public hearing on the proposed revisions. He inquired as to whether deleting the sunset clause would be a large enough change as to require an additional public hearing. In other words, someone might have decided not to address City Council or the Planning and Zoning Commission regarding the changes since those changes would only be in effect for two years. If the clause were removed, the changed could be in effect "forever."

City Attorney Alan P. Petrov indicated that if he were not mistaken, the revisions were originally proposed as a “forever” type of situation.

Councilman Hickman stated he believed that the sunset provision was part of the ordinance from the beginning.

Director of Community Development John McDonald stated that the sunset clause was mentioned during the joint public hearing and members were advised that the clause would be a part of the ordinance itself and not within the Code.

City Attorney Petrov advised that the sunset clause was not actually “noticed” as a point of discussion during the joint public hearing. It was a desire that was brought up at the joint public hearing. He did not believe the removal of the sunset clause would create any legal problems.

Councilwoman Mandy Nathan inquired as to what the thinking was on the Planning and Zoning Commission as to when a more permanent solution might be developed for the RDD Zoning District.

Chair Bill Thorogood, Planning and Zoning Commission, indicated that the Planning and Zoning Commission would be reviewing a scope of work at their next meeting for a consultant to redraft the ordinances to meet the intent of the *Comprehensive Plan* adopted in November of 2009. The Planning and Zoning Commission's intent was to move forward very quickly. He noted, too, that dollars would have to be spent on a consultant and he did not know what City Council's plans would be budget-wise.

Councilwoman Nathan inquired as to whether 24 months caused Chair Thorogood concern in terms of the timing.

Chair Thorogood noted that 24 months would come real quick and that there would be a turnover in the Planning and Zoning Commission as well. He would not want to bank on being able to complete the ordinances in 24 months, but it did provide the Planning and Zoning Commission with a target. He also noted that the Comprehensive Plan amendments were the top priority for the Planning and Zoning Commission.

Mayor Pro Tem Nauert stated that the reason he had inquired as to Councilman Friedberg's reasoning for removing the sunset clause was because he knew it would be thoughtful and valid. Every point mentioned by Councilman Friedberg was good. It seemed that the Planning and Zoning Commission did want to move forward with the amendments and would do so without delay. He was not too concerned with the worst-case scenario and believed it was very

possible that City Council might have to draft an ordinance to extend the sunset clause. He felt that was a good thing and would force City Council to revisit the issue. He desired to leave the sunset clause as it was.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:

The **amendment (no. 1) failed on a 1-6 vote** as follows:

FOR: Friedberg, Andrew

OPPOSED: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Nathan, Mandy

ABSENT: None

DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:

Councilman James P. Avioli, Sr., noted that on page two of Chair Thorogood's memorandum outlining the Planning and Zoning Commission's recommendation with respect to amendments to *Chapter 24* of the *Code*, the phrase "art gallery, studio, museum or theater" was changed to "art gallery, studio for photography, music, art or health, museum or theater." Councilman Avioli indicated that he was still hung up on the term "art," because there were many forms that art might take. He asked if a tattoo art studio would be permitted under the recommended language.

Director McDonald advised that a tattoo business would be allowed under the designation "retail services." The phrase "studio for photography, music, art or health" was a phrase that was currently used and defined in the City's *Code*.

Councilman Avioli noted that there were also many different types of photography studios. He suggested an amendment and crafted one for City Council's consideration.

**AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE
AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:**

An amendment (no. 2) to the motion to adopt an ordinance amending various sections of *Chapter 24* of the *Code* was made by Councilman James P. Avioli, Sr., to add the following underscored language to Section 24-547, Urban Village (TOD) District (UV-T), Subsection C (1) c) 8) h):

- h) Art gallery, studio for photography, music, art or health, museum or theater as long as the gallery or studios do not adversely impact the environment or infrastructure of the urban village.

Councilman Corbett Daniel Parker seconded Amendment No. 2 to the motion to adopt an ordinance amending various sections of *Chapter 24* of the *Code*.

**DISCUSSION ON AMENDMENT (NO. 2) TO MOTION TO ADOPT
ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS
SECTIONS:**

Councilman Avioli indicated that his desire was to ensure that the City had a way to control certain types of modeling or tattoo studios in the UV-T Zoning District.

**AMENDMENT TO AMENDMENT (NO. 2) TO MOTION TO ADOPT
ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS
SECTIONS:**

An amendment was made to the amendment (no. 2) to the motion to adopt an ordinance amending various sections of *Chapter 24* of the *Code* by Councilman Will Hickman to remove or delete Subsection C (1) c) 8) h) in its entirety.

Councilman Corbett Daniel Parker seconded the amendment to the amendment (no. 2) to the motion to adopt an ordinance amending various sections of *Chapter 24* of the *Code*.

**DISCUSSION ON the AMENDMENT TO THE AMENDMENT (NO. 2)
TO MOTION TO ADOPT ORDINANCE AMENDING THE CODE,
CHAPTER 24, VARIOUS SECTIONS:**

Councilwoman Nathan inquired as to the definition of a "studio" as distinguished from a "gallery."

Director McDonald stated that the City's *Code* defined "studio for photography, music, art or health" as *a place where professionally*

trained persons provide certain services, including instruction and photographic renditions of people or things, instruction in the use of musical instruments, instruction and artistic renditions, including sculpture, painting, and similar arts, and instruction or a place for physical health and well being.

Mayor Siegel inquired as to whether an art studio, similar to one that currently existed on Bissonnet Street that provided instructional lessons on art, could not be located in the UV-T District under this amendment.

Director McDonald stated that if the amendment to the amendment passed, then the art studio referred to by Mayor Siegel would be prohibited in the UV-T District.

Councilman Hickman inquired as to the procedure for a planned development versus an exception. In other words, if he wanted to construct an art gallery within a planned development, could he do so?

Director McDonald indicated that Councilman Hickman could seek a variance for his art gallery.

Councilman Hickman inquired as to the difference in procedure for a planned development with a permitted use versus a variance.

Director McDonald stated that if a person wanted to construct something that was a permitted use within their planned development, the permitted use would specifically be allowed. Therefore, the planned development would not be reviewed for uses if those uses were permitted. If a use were proposed that was not on the permitted use list, then the requestor would have to go before the Board of Adjustment and prove a hardship as to why that use should be permitted.

Councilman Hickman asked for confirmation that the variance would go before the Board of Adjustment and that a planned development would go before the Planning and Zoning Commission and then to City Council.

Director McDonald indicated that once a variance was approved, the planned development would be forwarded to the Planning and Zoning Commission and then to City Council.

Councilman Hickman asked for confirmation that if a use were not listed specifically under "permitted uses," then a requestor would have to go before the Board of Adjustment first, then the Planning and Zoning Commission, then City Council. If the use were listed as a

"permitted use," then the requestor would have to just go to the Planning and Zoning Commission and then City Council.

Director McDonald advised that Councilman Hickman was correct.

Mayor Pro Tem Phil Nauert asked if the amendment to the amendment did not survive and someone wanted to put in a studio for photography or an art gallery that did not negatively affect the neighborhood, if that studio or gallery would have to be two acres in size and a planned development.

Director McDonald indicated that ideally a developer would put together a project consisting of two acres and that developer would lease or sell property within that development to the end user.

Mayor Pro Tem Nauert asked for confirmation that the studio or gallery could be rather small if it were included as part of a larger development.

Director McDonald advised that Mayor Pro Tem Nauert was correct.

Mayor Pro Tem Nauert advised that he liked the amendment better than the amendment to the amendment so far.

Councilman Friedberg inquired as to the distinction between the word "use" and the words "planned development." He assumed the two were different as the City was discussing the uses within a planned development. He asked when the City would apply the standard being suggested in the original amendment. If someone were to come forward with a planned development, it could just be a two-acre mixed use development without an idea as to who would lease property within that development. At what point in time would the City be able to apply a standard? In other words, would the standard be applied at the variance level if there were a proposed tenant that desired a use that was not specifically permitted?

Director McDonald advised that if someone came forward knowing that they were seeking a planned development to include a use that was prohibited, that person could seek a variance at that point in time. Conversely, if someone came forward with a planned development with uses to be determined later, then typically, the use would be caught when a lessee or owner applied for a Certificate of Occupancy (CO) for that tenant space.

Councilman Friedberg asked for confirmation that the discretion in applying the standard of health and welfare would be at the City Staff level.

Director McDonald advised that Councilman Friedberg was correct.

Councilman Friedberg asked if a lessee or owner who did not like the outcome (i.e., City Staff's decision) could go before the Board of Adjustment.

Director McDonald stated that Councilman Friedberg was correct.

Mayor Siegel asked for confirmation that if a desired use were not listed as a "permitted use" for a planned development that the desired use would have to be brought before the Board of Adjustment for a decision. She noted that she interpreted the changes to the Code to mean that if a person went through the planned development process, then those permitted uses would be approved by virtue of the planned development. If a use were not permitted, then the Planning and Zoning Commission and the City Council had the latitude to determine whether that use should be included as part of the planned development process.

City Attorney Petrov stated that the Mayor's interpretation was not correct.

Mayor Siegel asked for confirmation that the uses within a particular planned development had to be on the list of permitted uses.

City Attorney Petrov advised that Mayor Siegel was correct.

Councilman Friedberg asked for confirmation that the way in which the proposed revisions were structured, allowed for any existing uses to be grandfathered.

Director McDonald advised that Councilman Friedberg was correct.

Councilman Friedberg asked for confirmation that the only thing the existing property owners would be able to do was to create an accessory use subject to the proposed requirements, if amended. He also asked when a Certificate of Occupancy (CO) would come into play for an existing use. For example, if he operated a business in the current RDD Zoning District, the use of which was grandfathered, and he desired to lease his business to someone else, at what point would the City get to review that process? In other words, when would the structure be deemed to "turn over"--at change of ownership or the leasing to a new tenant?

Director McDonald stated that if the current use were grandfathered, then that use would stand. If the owner wanted to change to a different use, that owner would have to meet the current uses allowed under the *Code*. Most of the existing uses outside of the industrial

uses had been contained within the "permitted uses" list in the proposed revisions. The uses removed were the warehousing, the industrial, and the car lots. The typical commercial elements were left in the *Code*.

If a current warehouse owner sold his business, the new owner could continue that warehouse use. On the other hand, the new owner could not use the business for manufacturing because that use was no longer permitted.

Councilman Will Hickman called the question.

VOTE TO CALL THE QUESTION:

The **vote to call the question failed 4-2-1* as follows:**

FOR:	Hickman, Will Avioli, James P., Sr. Nauert, Phil Nathan, Mandy
OPPOSED:	Siegel, Cindy Parker, Corbett Daniel
ABSENT:	None
ABSTAIN:	Friedberg, Andrew

{ *Five favorable votes were needed to call the question }

**CONTINUED DISCUSSION ON THE AMENDMENT TO THE
AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE
AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:**

Councilman Parker inquired of Councilman Hickman as to the reason he wished to strike Subsection C (1) c) 8) h) in its entirety rather than going with the amendment proposed by Councilman Avioli.

Councilman Hickman indicated that the amendment seemed complicated and he did not know how it would legally be applied. He was uncertain as to whether or not the amendment would have an impact. For a stopgap measure, the proposed amendments were only in place for two years. He felt the Planning and Zoning Commission would be working on the final amendments and that this discussion could occur in the future once the final amendments were proposed.

Mayor Siegel asked if the Planning and Zoning Commission would be reviewing requests for a tattoo studio, for example, as part of the

planned development process. In other words, she thought that the purpose of the planned development process was to provide the City with more flexibility, as well as some controls over uses.

City Attorney Petrov indicated that the planned development process would give the City Council some flexibility. The permitted uses were generally allowed, but the Planning and Zoning Commission and City Council could determine whether or not those uses were appropriate for a specific location. He did not believe that the City would be allowing tattoo parlors.

Councilman Friedberg asked for confirmation that if a planned development were granted without knowing the future uses, then as long as the future use or uses were permitted, it could be developed. If not, then the use would go before the Board of Adjustment.

City Attorney Petrov indicated that if a retail center of vacant shops were developed as a planned development in the district, then if there were permitted uses that could be placed in those leased spaces, it would not have to come back to the Planning and Zoning Commission or the City Council.

Mayor Pro Tem Nauert stated that he believed the concept that the City was going toward, the urban village, would benefit from art galleries and studios. If those uses were eliminated altogether, then the process would become so cumbersome as to dissuade people from requesting a planned development. This was the reason that he was more comfortable with the amendment than the amendment to the amendment.

Councilwoman Nathan inquired as to whether City Attorney Petrov had any concerns about the definiteness or lack thereof of the language Councilman Avioli was proposing. If so, did City Attorney Petrov have a suggestion for something that might be better?

Mayor Siegel asked City Council to consider voting on the amendment to the amendment before moving forward.

**VOTE ON THE AMENDMENT TO THE AMENDMENT (NO. 2) TO
MOTION TO ADOPT ORDINANCE AMENDING THE CODE,
CHAPTER 24, VARIOUS SECTIONS:**

The amendment to the amendment (no. 2) to the motion to adopt ordinance amending the Code, Chapter 24, various sections, failed on a 2-5 vote as follows:

FOR: Hickman, Will
 Parker, Corbett Daniel

OPPOSED: Siegel, Cindy
Avioli, James P., Sr.
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

ABSENT: None

**DISCUSSION ON AMENDMENT (NO. 2) TO MOTION TO ADOPT
ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS
SECTIONS:**

Councilman Parker recommended a friendly amendment to include "museums or theaters" in the language for the amendment (no. 2).

Councilman Avioli accepted that amendment. The language for the amendment (no. 2) was restated as follows:

Subsection C (1) c) 8) h):

h) Art gallery, studio for photography, music, art or health, museum or theater as long as the gallery, studios, museum or theater do not adversely impact the environment or infrastructure of the urban village.

Councilman Hickman recommended a friendly amendment to include the term "facilities" in lieu of gallery, studios, museum or theater as follows:

Subsection C (1) c) 8) h):

h) Art gallery, studio for photography, music, art or health, museum or theater as long as the gallery, studios, museum or theater facilities do not adversely impact the environment or infrastructure of the urban village.

Councilwoman Nathan asked for City Attorney Petrov's input as to indefiniteness, vagueness, etc.

City Attorney Petrov advised that the amendment created a certain amount of discretion. However, the amendment did not cause him any "heartburn." In the planned development process, the City Council would be using their discretion as to whether or not all of the activities or structures planned for the development were going to be appropriate for the area. In light of the fact that this was a stopgap measure, the Planning and Zoning Commission could work on the

language as they worked toward a final document to present to City Council.

Mayor Pro Tem Nauert stated that he liked where the City was going with the amendment. He referred to several words in the amendment that were "fuzzy," such as "adversely" and "environment." He inquired as to clarification for the term "infrastructure." He noted that "infrastructure" to him implied paving, drainage, electrical conduits, telephone lines, cable lines, etc. He offered a friendly amendment to remove the term "or infrastructure."

Councilman Avioli and **Councilman Parker** agreed to the friendly amendment. The language for the amendment (no. 2) was restated as follows:

Subsection C (1) c) 8) h):

h) Art gallery, studio for photography, music, art or health, museum or theater as long as the gallery, studios, museum or theater facilities do not adversely impact the environment or infrastructure of the urban village.

Councilman Friedberg inquired as to the length of time that the current RDD Zoning District had been on the books.

Director McDonald indicated that he believed the district had been on the books since the early 1980s.

Chair Thorogood stated that the Planning and Zoning Commission, during the last Comprehensive Plan, tried to do some expansion to the RDD Zoning District. Artist lofts were offered in the RDD Zoning District as a housing feature. He believed that the discussion about artist lofts occurred in 1997 and was passed in 2000. There was one owner in the district that had something to do with the museum business. Given the current economic situation, it was hard for Chair Thorogood to believe that a developer could complete a planned development within the next two years.

Mayor Siegel asked if the amendment were essentially true without having to state it.

City Attorney Petrov advised that in a certain sense Mayor Siegel was correct.

Mayor Siegel was not sure that the amendment was even needed. She thought the City was developing regulations that forced someone to go through the planned development process and through the control of the Planning and Zoning Commission and City Council.

City Attorney Petrov indicated that the idea was that the regulations would provide that control.

Mayor Siegel asked if a developer could put in an auto parts store because it was a "retail" use. Could City Council decide that an auto parts store did not fit into the overall plan for that district? In other words, was she assuming that City Council had too much discretion?

City Attorney Petrov stated that Mayor Siegel was correct in that the whole reason behind the process was to allow City Council to take a look at what was being proposed. The tough part was the issue that Councilman Friedberg pointed out--a planned development could be approved with retail spaces and undefined tenants at a given point in time. The City would be left with City Staff trying to figure out if a given tenant was allowed when a Certificate of Occupancy was issued.

Councilman Friedberg asked for confirmation that the current RDD Zoning District had been around since the 1980s.

Director McDonald stated that he believed so.

Councilman Friedberg asked for confirmation that the art gallery, studio for photography, etc., had been on the books since that time.

Director McDonald advised that he did not know the specific date for that use. He noted that the RDD Zoning District had a separate section for the lofts. The art gallery and studio was part of the specific use requirement.

Councilman Friedberg asked if the City currently had any uses in the RDD Zoning District that would not satisfy the proposed standards.

Councilman Avioli indicated that he did not know.

Councilman Friedberg asked if the City already had modeling studios or tattoo studios in that area.

Councilman Avioli stated that he wanted to get back to the concept. He did not wish to belabor the issue. He felt that the way the proposed language was written was open-ended. He did not see what the problem would be to add the amendment. In his mind, he was just trying to eliminate a problem that might come up.

Councilman Hickman asked who would have the discretion to determine if there were an adverse impact. In other words, would the Planning and Zoning Commission make that decision, followed by City Council?

City Attorney Petrov stated that the determination could come about in two different ways. If a specific use were included within the proposal for the planned development that would come to the Planning and Zoning Commission and the City Council, then City Council would ultimately have that discretion.

If the development were open-ended, such as a plaza of "shops," without stating what each of those "shops" were, then City Staff would have the discretion to determine whether or not there would be an adverse impact when they were getting ready to issue a Certificate of Occupancy.

Councilman Hickman noted that in either case the Planning and Zoning Commission and City Council or City Staff would have the discretion to determine if the City wanted banks or credit unions, restaurants, etc.

City Attorney Petrov advised that Councilman Hickman was correct.

Councilman Hickman noted that the amendment was not adding a great deal of discretion to paragraph h.

City Attorney Petrov stated that the amendment was not adding discretion in the sense that it was not giving anyone any more latitude.

Councilman Hickman indicated that the amendment was not adding a great deal, but he could imagine the amendment inviting a lawsuit with "fuzzy" language. He indicated that he had seen lawsuits with much less to go on.

City Attorney Petrov advised that all kinds of "fuzzy" language that was open to interpretation could be found within any statute. As long as the City was not acting arbitrarily or capriciously, then he felt the City would be okay.

Councilman Hickman stated that he was going to vote against the amendment (no. 2). The problem for him was that the amendment did not give the City a great deal and as pointed out by Mayor Pro Tem Nauert, the language was fuzzy and open to interpretation. If he were a landowner or developer, he would not know if a tattoo studio would be allowed or not. It was another administrative hurdle before he even decided to come and invest in Bellaire. For a stopgap measure of two years or less, he did not wish to go down that path.

Councilman Parker referred to the "adverse impact" and asked if Councilman Avioli was trying to prevent noise pollution, pornography,

the effect on the neighborhood, etc. In other words, what was the City trying to prohibit with the amendment?

Councilman Avioli stated that he certainly did not want any pornography in the area. The City would not want a disco studio or nightclub in there either. He was trying to preserve a wholesome environment where children could walk around and not see things that they should not see.

VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:

Amendment No. 2 failed on a 2-5 vote as follows:

FOR: **Avioli, James P., Sr.**
Nauert, Phil

OPPOSED: **Siegel, Cindy**
Hickman, Will
Parker, Corbett Daniel
Friedberg, Andrew
Nathan, Mandy

ABSENT: **None**

DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:

AMENDMENT (NO. 3) TO MOTION TO ADOPT ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS SECTIONS:

An amendment (no. 3) to the motion to adopt an ordinance amending various sections of *Chapter 24*, of the *Code*, was made by Councilwoman Mandy Nathan to amend Section 24-547, Urban Village (TOD) District (UV-T), Subsection C(1)c)(7) to read as follows:

- (7) **Parking.** A minimum number of parking spaces shall be required as provided in Section 24-514a of the City Code. Parking shall not be permitted within ~~60~~ 50 feet of a residential zoned neighborhood.

Mayor Pro Tem Phil **Nauert** and Councilman Corbett Daniel **Parker** jointly seconded the amendment (no. 3).

Chair Thorogood spoke to the "50 foot versus 60 foot" parking prohibition, noting that this was probably his mistake. After the Joint

Public Hearing on this issue, Commissioner Boecher had indicated that he was not certain how wide the CenterPoint Energy-owned property was. He found that the property was 183 feet wide. After subtracting 60 feet from that width, it was determined that there would not be adequate parking for four lanes of cars. It would only provide parking for two lanes of cars. The issue was discussed during the Planning and Zoning Special Session and Commissioner Michael Doyle was in agreement that the prohibition should be changed to 50 feet. He did not want to speak for the Commission since the item was not specifically voted on, but he did not see any negative comments among the Commissioners. Chair Thorogood merely failed to bring it back to the table.

Councilman Parker noted that Commissioner Winfred Frazier was in attendance for the Council meeting and asked if it were appropriate to ask him if he had any comments on it.

City Attorney Petrov advised that City Council was free to ask questions.

Commissioner Winfred Frazier indicated that the drawing Commissioner Boecher had prepared depicting how vehicles could park on the CenterPoint Energy property was shown to all of the Commissioners during their Special Session. The need to reduce the prohibition to 50 feet was explained to everyone. The Commission simply inadvertently failed to bring the amendment back to a vote. Commissioner Frazier indicated that he was in agreement with the amendment.

**VOTE ON AMENDMENT (NO. 3) TO MOTION TO ADOPT
ORDINANCE AMENDING THE CODE, CHAPTER 24, VARIOUS
SECTIONS:**

The **amendment (no. 3) to the motion to adopt an ordinance amending various sections of *Chapter 24* of the *Code*** carried unanimously **on a 7-0 vote** as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

**VOTE ON MOTION TO ADOPT ORDINANCE AMENDING THE
CODE, CHAPTER 24, VARIOUS SECTIONS, AS AMENDED:**

Motion carried on a **6-1 vote** as follows:

FOR: Siegel, Cindy
Hickman, Will
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: Avioli, James P., Sr.

ABSENT: None

{ Ordinance was subsequently numbered: 10-025 }

H. ITEM FOR INDIVIDUAL CONSIDERATION:

Rules of Procedure

CONSIDERATION of and possible action on a recommendation from the City Clerk to amend the *Rules of Procedure for the City Council of the City of Bellaire, Texas*, for the period 2010-2012 ("Rules"), approved and adopted by the City Council of the City of Bellaire, Texas, on March 1, 2010, said recommendation of which would amend *Article 6, Agenda Order, Section I, Council Correspondence and Comments*, of the Rules to match the requirements of the *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.0415, Governing Body of Municipality; Reports about Items of Community Interest Regarding Which No Action Will be Taken – Item submitted by City Clerk Tracy L. Dutton*.

MOTION TO AMEND RULES OF PROCEDURE:

A motion was made by Councilman Andrew Friedberg and seconded by Councilman Will Hickman to amend the *Rules of Procedure for the City Council of the City of Bellaire, Texas*, for the period 2010-2012, for the purpose of amending *Article 6, Agenda Order, Section I, Council Correspondence and Comments*, to match the requirements of the *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.0415, Governing Body of Municipality; Reports about Items of Community Interest Regarding Which No Action Will be Taken*, said section of which would read as follows:

Section I. Community Interest Items from the Mayor and City Council.

It is the intent of this item to provide any member of City Council the opportunity to make a report about items of community interest during a City Council meeting, said community items of interest of which may include expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled to be attended by a City official or City employee; and announcements involving an imminent threat to the public health and safety of the citizens of Bellaire that has arisen after the posting of the agenda.

DISCUSSION ON MOTION TO AMEND RULES OF PROCEDURE:

City Clerk Tracy L. Dutton noted that when she was revising the Rules of Procedure for changes the City Council had made during a previous meeting, she realized that City Council had inadvertently accepted an amendment to include the old caption "Council Comments and Correspondence." Within that caption, the City had stated that comments could be made on any topic, which was no longer correct. City Clerk Dutton referenced the section of the *Texas Government Code* that addressed the only topics that City Council might actually discuss if those topics were not included on the agenda.

Mayor Cindy Siegel referred to information that was included in the packet and submitted by resident Lynn McBee regarding another change that City Council might wish to consider.

Councilman Hickman noted that some suggested language had been included in the packet for Section F. of the City Council's Rules of Procedure.

City Clerk Dutton indicated that she had brought it forward at the request of Mayor Siegel, because resident Lynn McBee had mentioned that possible change to City Council during public comments. If City Council wanted to make that change, City Clerk Dutton had recommended some language for the change (i.e., included in the agenda packet).

AMENDMENT (NO. 1) TO MOTION TO AMEND RULES OF PROCEDURE:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilman Corbett Daniel Parker to amend the motion to amend the Rules of Procedure for Section I. by including suggested language for Section F. as follows (changes have been underscored; language to be removed has been stricken through):

Section F. Subjects Introduced by ~~Comments to be Deferred the~~ Public During a Meeting of the City Council.

~~Any subject not on the agenda, but introduced during public comment, may not be discussed but may be deferred for future investigation or future City Council consideration.~~

Any inquiry made at a meeting by the public regarding a subject for which notice has not been given on the agenda, may be responded to with a statement of factual information or a recitation of existing policy. Any deliberation or decision about the subject of inquiry shall be limited to a proposal to place the subject on a future agenda for a subsequent meeting.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO AMEND RULES OF PROCEDURE:

The amendment (no. 1) to motion to amend the Rules of Procedure carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

VOTE ON MOTION TO AMEND RULES OF PROCEDURE, AS AMENDED:

The motion to amend the Rules of Procedure, as amended, carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

J. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Councilman Corbett Daniel Parker thanked Bellaire Payroll Technician Ida Lewis for her two decades of service to the City. He pointed out that the Mayor, who recently attended a Houston Dynamo game, was a great luck charm for the team.

Councilman James P. Avioli, Sr., indicated that he would strongly recommend that anyone who worked with Boy Scouts or Girl Scouts and wanted to learn more about the City should get with Bellaire's City Manager Bernie Satterwhite. He did an excellent job with the Girl Scouts, and Councilman Avioli really appreciated that. In addition to the City Manager, Community Resource Officer Tim Quimby did an excellent job with the Girl Scouts as well.

Councilman Will Hickman wished everyone a Happy Easter.

Councilwoman Mandy Nathan noted that she wished to add to the Trolley Run and Arts Festival events already mentioned by City Manager Satterwhite—the Tents in Town event sponsored by the Patrons for Bellaire Parks. The event would be held in Bellaire Town Square on April 24th and Bellaire families could bring their tents and spend the night in the park. There would be fun, food, and lots of activities. The event was in support of the development of Bellaire Town Square. She referred everyone to the following website, if interested in the event: www.bellaireparks.com.

Councilwoman Nathan also offered condolences to the family of Ray Holan who passed away suddenly last week. He and his wife, also named Rae, had lived in Bellaire for many years with their children, Spencer, Cole, and Kendall, who attend Paul W. Horn Elementary School, Pin Oak Middle School, and Bellaire High School. Ray was a much-loved pillar of the Bellaire youth sports community. He served as a board member, director, and coach in Bellaire Little League, the Southwest Football League, and in the City of Bellaire sports leagues. He would be sorely missed.

Councilman Andrew Friedberg respectfully joined in the sentiments just expressed by Councilwoman Nathan.

He also reminded everyone to vote in the Runoff Elections for the Party Primaries.

Mayor Pro Tem Phil Nauert advised that in addition to the things mentioned, he would like to remind everyone that two Fridays ago Bellaire partnered with the Bellaire Southwest Houston Rotary Club and CenterPoint Energy in a project called "Right Tree/Right Place" wherein some trees were planted in Loftin Park that were appropriate to be planted near utility lines. It was a good event and well publicized. He hoped people would look to the CenterPoint Energy website should they want more information about what

trees to plant around their power service that would not grow up and become a hazard for the power service.

Mayor Cindy Siegel advised that she wished to provide some information about the Teas property, which was mentioned earlier this evening. The City had not met with the Rubenstein Family. The land had not been transferred to the City, so the City did not know what the Rubenstein Family's requirements were going to be. She knew there were many emails floating around and suggestions had been made. She personally felt that it was premature to have those discussions until the City actually had the land. She encouraged people to be cognizant of that.

Secondly, once the property was donated and the City knew what the Family's desires were as to that land, there would be an extensive public input process. This was a once in a lifetime opportunity to develop what was an historic piece of property in Bellaire. She felt that City Council would have many discussions regarding the process that should be followed, and the Parks & Recreation Advisory Board would be involved. She cautioned everyone to rein in their excitement and wait until the City actually owned the land.

Mayor Siegel thanked Payroll Technician Ida Lewis for all of her service to the City of Bellaire. She also added her condolences to the Holan Family.

She noted that April was a busy month in Bellaire. The Nature Discovery Center was holding its home tour on Saturday and Sunday from 1:00 p.m. until 5:00 p.m. The following weekend was the Arts Festival and Show. The following weekend after the Arts Festival and Show was the Tents in Town event.

Mayor Siegel closed by urging everyone to vote in the Primary Runoff Elections and to file their tax returns or an extension by April 15th.

K. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Corbett Parker and seconded by Councilman James P. Avioli, Sr., to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:42 p.m. on Monday, April 5, 2010.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will

FOR (CONT.): **Avioli, James P., Sr.**
 Parker, Corbett Daniel
 Nauert, Phil
 Friedberg, Andrew
 Nathan, Mandy

OPPOSED: **None**

ABSENT: **None**

Respectfully submitted,

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

Cynthia Siegel, Mayor
City of Bellaire, Texas